

Application No.: 10/650498

Case No.: 58811US002

REMARKS

This is in response to the Office Action mailed on May 16, 2005. In that Office Action claims 1, 2, 4-8, 17, 18 and 20-24 were rejected, and claims 4 and 20 were objected to. With this amendment, dependent claims 4 and 20 are hereby amended, no claims are cancelled, and no new claims are added. The application contains claims 1, 2, 4-8, and 17, 18 and 20-24.

In the Office Action, claims 1, 2, 4, 8, 17, 18, 20 and 24 were rejected under 35 U.S.C. §103(a) over the Ruutu WO 01/38005, (Ruutu application), in view of the Ferri, Jr. U.S. Patent No. 6,085,940 (Ferri patent). The Office Action states:

“It would have been obvious to one of ordinary skill in the art to provide the deformable or collapsible bladder dispensing supply system as taught by Ferri, Jr., in place of the compressed gas supplied coating solution supply container(s) of Ruutu et al. in order to supply coating solution directly to the coating chamber without the need of a compressed air supply source.”

Applicant respectfully disagrees.

As noted in the Office Action, the Ruutu application does not teach the use of a deformable or collapsible bladder. The container described in Ruutu is an open container and therefore requires a rigid wall otherwise the coating solution could not be contained. Thus not only does Ruutu not teach a deformable or collapsible bladder, there is no motivation or suggestion to use a deformable or collapsible bladder since a rigid container is diametric to a deformable or collapsible bladder. The Ferri U.S. patent 6,085,940 describes a chemical delivery system for the direct delivery of a chemical from a drum to a process area. The Ferri patent does state that suitable containers for use with their invention are “for example, bulk shipping containers, for instance, the standard 55 gallon drum, as well as collapsible bladders”. Obviously, the system being described in the Ferri patent is for large bulk quantities of chemicals. Also “collapsible bladders” are referred to in the same sentence as a substitute for a “55 gallon drum” thus the bladders are also of a large (bulk) size.

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Prior art references must be viewed as a whole. In relying upon a reference under 35 U.S.C. §103, the "examiner must determine what is 'analogous prior art' for the purpose of analyzing the obviousness of the subject matter at issue". Determining whether something is analogous art can be a difficult thing to do.

Classification of references is one way of determining whether references are analogous. (MPEP 2141.01(a)). The Ruutu patent application has an international patent classification (IPC) of B05C 3/09 while Ferri has an international classification of B67D 5/08. Under the international classification of patents (MPEP 903.09), the capital "B" designates one of 8 broad sections which encompass all inventions. Section "B" is for "Performing Operations, Transporting." The class for classification B05C 3/09 is "05C" which is entitled spraying or atomizing in general; applying liquids or other fluid materials to surfaces, in general. The class for B67D 5/08 is 67D and is entitled opening or closing bottles, jars or similar containers; liquid handling. The Ruutu patent application is classified entirely differently than the Ferri patent and from the IPC criterion is nonanalogous.

Another criterion to use is the consideration of the similarities and differences in structure and function of the inventions. (MPEP 2141.01(a)). In *In re Clay*, (966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992)) (which is discussed in MPEP) 2141.01(a), a prior art reference described using a gel for reducing the permeability of natural underground hydrocarbon bearing formations. This reference was used to reject claims that were directed to a process for storing a liquid hydrocarbon in a storage tank having a dead volume in which a similar gel was used to prevent loss (flow) of liquid hydrocarbon. The Patent Office (PTO) found that the reference and the claimed invention were part of the "same endeavor." The Federal Circuit reversed and found the cited reference was not reasonably pertinent to the problem "of dead volume in tanks for refined petroleum". *Id.* Extracting liquid chemical solutions from bulk containers such as 55 gallon drums or collapsible bladders of the same size is not reasonably pertinent to the problem of providing coating solutions to a coating chamber. In view of this criterion, the Ruutu application and the Ferri patent are nonanalogous art.

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Furthermore, there is no motivation or suggestion in the Ferri patent of using what is disclosed therein to solve a coating problem. The Ferri patent describes the emptying of bulk containers. Similarly, there is no suggestion or motivation (as discussed previously) in the Ruutu application to use a collapsible bladder. These two references may not be combined by the Examiner to reject the claims under 35 U.S.C. §103(a) since the only motivation to do so is applicant's application. In view of the above, it is respectfully requested that the rejection of claims 1, 2, 4, 8, 17, 18, 20 and 24 over the Ruutu application in view of the Ferri patent be withdrawn and these claims allowed.

The Office Action then rejected claims, 2, 4, 8, 17, 18, 20 and 24 under 35 U.S.C. §103(a) as being unpatentable over the Ruutu application in view of Hewett U.S. Patent 6,039,214. The Office Action states:

It would have been obvious to one of ordinary skill in the art to provide the deformable or collapsible bag dispensing system as taught by Hewett in place of the coating solution supply containers of Ruutu et al. in order to supply coating solution to the coating chamber on its small bench size scale without drying out the coating material due to exposure to air.

As discussed above, the Ruutu application neither teaches, nor suggests a collapsible container. The Office Action states that Hewett recognizes a deformable or collapsible bag base dispensing system that dispenses solvent based coating material from a bag. (referring to Col. 1, Line 16-19 and Lines 28-31). But that is all that Hewett describes. Fluid is directly dispensed at the bottom 24 of containing portion 52. There is absolutely no teaching or suggestion of taking the bag of Hewett and fluidly connecting that bag to another chamber such as a coating chamber.

Therefore, it is not understood where the suggestion or motivation is found in the Hewett patent to take the bag of the Hewett patent and connect the bag to a coating chamber as defined in applicant's claims. Likewise, there is no teaching or suggestion in the Ruutu application of making the bags of Ruutu deformable or collapsible. Therefore, the rejection under 35 U.S.C. §103 of claims 1, 2, 4, 8, 17, 18,

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20 and 24 should be withdrawn. Reconsideration and allowance of these claims are respectfully requested.

The Office Action also rejected claims 5, 7, 21 and 23 under 35 U.S.C. §103(a) under the Ruutu application in view of the Hewett patent as applied to claims 1, 2, 4, 8, 17, 18, 20 and 24 and further in view of the Cranskens U.S Patent No. 3,296,951. The Office Action states:

"In light of the teachings of Cranskens, it would have been obvious to one of ordinary skill in the art to provide, on a small scale, a pressure supply/release plate in communication with the bag in the coating apparatus defined by the combination above in order to enable supply and removal of coating from material from the coating chamber."

Nevertheless, for the same arguments and reasons presented above for the rejections based on the Ruutu application in view of the Hewett patent, the combination of the Ruutu application in view of the Hewett patent and further in view of the Cranskens patent does not teach or suggest the apparatus defined in pending claims 5, 7, 21 and 23. Therefore, favorable reconsideration and allowance of claims 5, 7 21 and 23 is respectfully requested.

The Office Action also rejected claims 5, 6, 21 and 22 under 35 U.S.C. §103(a) under the Ruutu application in view of the Hewett patent as applied to claims 1, 2, 4, 8, 17, 18, 20 and 24 and further in view of the Thorsheim U.S. Patent No. 4,258,862. The Office Action states:

"In light of the teachings of Thorsheim, it would have been obvious to one of ordinary skill in the art to provide, on a small scale, a fluid pressure supply/release arrangement in communication with the bag in the coating pressure supply/release plate in communication with the bag in the coating apparatus defined by the combination above in order to enable supply and removal of coating from material from the coating chamber."

Nevertheless, for the same arguments and reasons presented above for the rejections based on the Ruutu application in view of the Hewett patent, the combination of the Ruutu application in view of the Hewett patent and further in view of the Thorsheim patent does not teach or suggest the

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apparatus defined in pending claims 5, 6, 21 and 22. Therefore, favorable reconsideration and allowance of claims 5, 6, 21 and 22.

In view of the above, it is believed that all of the claims are in condition for allowance, and such is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

Date

August 8, 2005

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